

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

BOBBY E. CRISWELL
Claimant

VS.

THE BOEING COMPANY - WICHITA
Respondent

AND

**AMERICAN MANUFACTURERS
MUTUAL INSURANCE COMPANY**
Insurance Carrier

AND

KANSAS WORKERS COMPENSATION FUND

Docket No. 196,587

ORDER

Respondent appeals from a Preliminary Hearing Order dated June 20, 1995, by which Administrative Law Judge Nelsonna Potts Barnes ordered respondent to pay certain medical expenses.

ISSUES

Respondent's application for review describes the issue as whether the medical bills were reasonably necessary under K.S.A. 44-510. Respondent also argues the listed issue is another way of asking whether the claimant suffered accidental injury arising out of and in the course of his employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments of the parties, the Appeals Board finds that it does not have jurisdiction to review the issues raised by this appeal.

There appears to be little, if any, dispute about the relevant facts. The medical bills in question concern claimant's initial hospitalization. Claimant had suffered a heart attack in 1989 and when he woke up on May 8, 1994 with numbness in his left arm, he went immediately to the St. Joseph Emergency Room. He thought he might be having another heart attack. Several days and numerous tests later it was determined that claimant was not, in fact, suffering from a heart attack, but instead had work-related carpal tunnel syndrome. Respondent argues that the medical expenses were not treatment for the work-related carpal tunnel.

The Appeals Board has jurisdiction to review preliminary orders when it is alleged the Administrative Law Judge exceeded his or her jurisdiction. See K.S.A. 44-551, as amended by S.B. 59 (1995). Specific issues subject to review are listed in K.S.A. 44-534a. Among those are whether the injury arose out of and in the course of employment. The Appeals Board does not consider the issue raised to be whether the injury arose out of and in the course of employment. The Appeals Board considers the issue appropriately described as whether the medical expenses were reasonably necessary for an injury which did arise out of and in the course of employment. Accordingly, the issue is not one listed in K.S.A. 44-534a and does not otherwise constitute an allegation that the Administrative Law Judge exceeded her jurisdiction. The Appeals Board is, therefore, without jurisdiction to consider the issue raised on appeal.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the June 20, 1995, Preliminary Hearing Order by Administrative Law Judge Nelsonna Potts Barnes remains in effect as originally entered.

IT IS SO ORDERED.

Dated this ____ day of September, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Kelly W. Johnston, Wichita, Kansas
Vaughn Burkholder, Wichita, Kansas
J. Philip Davidson, Wichita, Kansas
Administrative Law Judge, Nelsonna Potts Barnes
Philip S. Harness, Director